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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No. 16842-760	Total Pages 81
First Named Inventor or Application Identifier		
Kenneth J. LIVAK et al., "Hybridization Assay Using Self-Quenching Fluorescence Probe"		
Express Mail Label No. EL324593567 US		

**APPLICATION ELEMENTS**  
See MPEP chapter 600 concerning utility patent application contents.

1. [ X ] Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i>	6. <input type="checkbox"/> Microfiche Computer Program (Appendix)
2. [ X ] Specification [Total Pages 54] <i>(preferred arrangement set forth below)</i>	7. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
- Descriptive title of the Invention	a. [ X ] Computer Readable Copy
- Cross References to Related Applications	b. [ X ] Paper Copy (identical to computer copy)
- Statement Regarding Fed sponsored R&D	c. [ X ] Statement verifying identify of above copies
- Reference to Microfiche Appendix	8. [ X ] Assignment Papers (cover sheet & documents(s))
- Background of the Invention	9. [ X ] 37 CFR 3.73(b) Statement [ X ] Power of Attorney by <i>(when there is an assignee)</i> [ X ] Assignee
- Brief Summary of the Invention	10. [ ] English Translation Document <i>(if applicable)</i>
- Brief Description of the Drawings	11. [ ] Information Disclosure Statement (IDS)PTO-1449 [ ] Copies of IDS Statement (IDS)PTO-1449 [ ] Citations
- Detailed Description	12. [ X ] Preliminary Amendment (2 pages)
- Claim(s)	13. [ X ] Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>
- Abstract of the Disclosure	14. [ ] Small Entity Statement(s) [ ] Statement filed in prior application, Status still proper and desired
3. [ X ] Drawing(s) (37 CFR 1.152) [Total Sheets 2]	15. [ ] Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>
4. [ X ] Oath or Declaration [Total Pages 4]	16. [ X ] Other: Express Mail Statement (37 CFR 1.10) ....
a. [ ] Newly executed (original or copy)	.....
b. [ X ] Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i>	.....
[Note Box 5 below]	
i. [ ] <u>DELETION OF INVENTOR(S)</u>	Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. [ X ] Incorporation By Reference <i>(useable if Box 4b is checked)</i>	The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

[ X ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No. 09 / 207,170

17. CORRESPONDING ADDRESS

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or [ ] Correspondence address below

NAME	PATENT TRADEMARK OFFICE		
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

SUBMITTED BY

Typed or  
Printed Name

David J. Weitz

Signature

David J. Weitz

Reg. Number 38,362

Date November 8, 1999

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<b>FEE TRANSMITTAL</b> <small>Note: Effective December 8, 1998 Patent fees are subject to annual revision.</small>				<b>Complete if Known</b>																																																																																																																																																																																																																																								
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Deposit Account Number 23-2415 (16842-760)  Deposit Account Name Wilson Sonsini Goodrich & Rosati  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code (\$)</th> <th style="text-align: left;">Entity Fee (\$)</th> <th style="text-align: left;">Small Entity Fee Code (\$)</th> <th style="text-align: left;">Entity Fee (\$)</th> <th colspan="2" style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td colspan="2">Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td colspan="2">Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td colspan="2">Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td colspan="2">For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td colspan="2">Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td colspan="2">Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td colspan="2">Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td colspan="2">Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td colspan="2">Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td colspan="2">Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td colspan="2">Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td colspan="2">Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td colspan="2">Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td colspan="2">Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td colspan="2">Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td colspan="2">Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td colspan="2">Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td colspan="2">Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td colspan="2">Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td colspan="2">Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td colspan="2">Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td colspan="2">Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td colspan="2">Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td colspan="2">Recording each patent assignment per property (times number of properties)</td><td style="text-align: right;">40.00</td></tr> <tr><td>146</td><td>790</td><td>246</td><td>395</td><td colspan="2">Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>760</td><td>249</td><td>380</td><td colspan="2">For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr> <td colspan="4" style="padding: 5px;">Other fee (specify) <u>25 Request for Corrected Filing Receipt</u></td> <td colspan="4" style="padding: 5px;">Other fee (specify) <u> </u></td> </tr> <tr> <td colspan="4" style="padding: 5px;">* Reduced by Basic Filing Fee Paid</td> <td colspan="4" style="padding: 5px;">SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="4" style="padding: 5px;">SUBMITTED BY</td> <td colspan="4" style="padding: 5px; text-align: right;">Complete (if applicable)</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Typed or Printed Name</td> <td colspan="2" style="padding: 5px;">David J. 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Number</td> <td colspan="2" style="padding: 5px;">38,362</td> </tr> <tr> <td colspan="2" style="padding: 5px;">Signature</td> <td colspan="2" style="padding: 5px;"></td> <td style="padding: 5px;">Date</td> <td style="padding: 5px;">Nov. 8, 1999</td> <td style="padding: 5px;">Deposit Account User ID</td> <td style="padding: 5px;">23-2415 (16842-760)</td> </tr> </tbody></table>				Large Entity Fee Code (\$)	Entity Fee (\$)	Small Entity Fee Code (\$)	Entity Fee (\$)	Fee Description		Fee Paid	105	130	205	65	Surcharge - late filing fee or oath			127	50	227	25	Surcharge - late provisional filing fee or cover sheet			139	130	139	130	Non-English specification			147	2,520	147	2,520	For filing a request for reexamination			112	920*	112	920*	Requesting publication of SIR prior to Examiner action			113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action			115	110	215	55	Extension for reply within first month			116	380	216	190	Extension for reply within second month			117	870	217	435	Extension for reply within third month			118	1,360	218	680	Extension for reply within fourth month			128	1,850	228	925	Extension for reply within fifth month			119	300	219	150	Notice of Appeal			120	300	220	150	Filing a brief in support of an appeal			121	260	221	130	Request for oral hearing			138	1,510	138	1,510	Petition to institute a public use proceeding			140	110	240	55	Petition to revive - unavoidable			141	1,210	241	605	Petition to revive - unintentional			142	1,210	242	605	Utility issue fee (or reissue)			143	430	243	215	Design issue fee			144	580	244	290	Plant issue fee			122	130	122	130	Petitions to the Commissioner			123	50	123	50	Petitions related to provisional applications			126	240	126	240	Submission of Information Disclosure Stmt			581	40	581	40	Recording each patent assignment per property (times number of properties)		40.00	146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))			149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))			Other fee (specify) <u>25 Request for Corrected Filing Receipt</u>				Other fee (specify) <u> </u>				* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)				SUBMITTED BY				Complete (if applicable)				Typed or Printed Name		David J. 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PATENT  
Attorney Docket No. 16842-760

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kenneth J. Livak et al. ) Group Art Unit: Unassigned  
Application No. Unassigned ) Examiner: Unassigned  
Filed: Herewith )  
For: HYBRIDIZATION ASSAY USING SELF- )  
QUENCHING FLUORESCENCE PROBE )

JC678 U.S. PTO  
09/436454  
11/08/99

**STATEMENT UNDER 37 C.F.R. 1.821(f)**

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

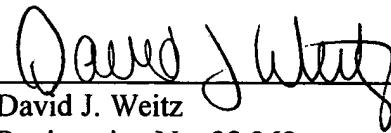
Sir:

Attached hereto is the "Sequence Listing" in the above identified patent application in both printed format and computer readable (ASCII) format on 3.5 inch diskette. I hereby certify that the paper copy and the computer readable copy of the Sequence Listing are identical.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By:

  
\_\_\_\_\_  
David J. Weitz  
Registration No. 38,362

650 Page Mill Road  
Palo Alto, California 94304  
(650) 493-9300

November 8, 1999

PATENT  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**STATEMENT UNDER 37 C.F.R. 1.10**

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

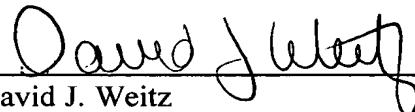
Sir:

I hereby certify that the attached patent application is being deposited with sufficient postage with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Express Mail Label No. EL324593567US, on November 8, 1999, addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By:

  
\_\_\_\_\_  
David J. Weitz  
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Palo Alto, California 94304  
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